

REMARKS

Applicants hereby confirm the election of claims 63-74 for examination. Claims 1, 9, 11, 17 and 43-62 were non-elected and are hereby withdrawn from consideration. Applicants hereby explicitly reserve the rights to pursue the withdrawn claims in a continuation and/or division application.

In the Office Action dated June 2, 2005, claims 63 and 67 were objected to. Claims 63 and 67 have been amended to overcome the objection.

In the subject Office action, claims 63-74 were rejected under 35 U.S.C. §102 as being fully anticipated by Duwaer et al (USP 5,959,627). In response, claims 63-74 have been amended. In particular, independent claim 63 has been amended to recite

- displaying on a display of the electronic device, a column having n rows of track names corresponding to n audio content files of a genre, wherein n is an integer; and
- displaying on a display of the electronic device, either a column having n rows of artist names corresponding to the n rows of track names, or
- a column having n rows of album names corresponding to the n rows of track names.

Accordingly, claim 63 now clearly recites the display of a column having the same n number of rows of either artist or album names corresponding to the n rows of track names.

In contrast Duwaer merely teaches displaying, for a number of audio items, at least 15 columns of attributes (see Fig 4 & 5, and col. 3, line 51), where each column includes “the number of different possibilities” for the corresponding attribute (col. 3, line 61-62). The number of rows are different and do not correspond to the different columns of attributes.

This is affirmed by the illustration in Fig. 4, where e.g. the third row of the “track” column shows the track name “A Hard Day’s Night” (which is known to be performed by the Beatles, available as part of the “A Hard Day’s Night” Album). However, the third

row of the "Performer" column shows "Barry White", and the third row of "Source" column shows "Dance Classic" (assuming arguendo "Source" can be read as album name as asserted by the Examiner).

Since a rejection under section 102 of the patent statutes requires that for a claim to be anticipated by a cited reference, the reference must clearly teach each and every enumerated element of the claim. As Duwaer fails to teach each and every enumerated element of independent claim 63, claim 63 is patentable over Duwaer.

Claims 67 and 71 contain similar recitations as earlier described with respect to claim 63. Thus, for at least the same reasons, claims 67 and 71 are patentable over Duwaer and are not anticipated under sec 102.

Claims 64-66, 68-70 and 72-74 depend from claims 63, 67 and 71 respectively, correspondingly incorporating their limitations. Accordingly, for at least the same reasons, claims 64-66, 68-70 and 72-74 are patentable over Duwaer under sec 102.

Similarly, new claims 75, 76 and 77 depend from claims 63, 67 and 71 respectively, correspondingly incorporating their limitations. Accordingly, for at least the same reasons, claims 75-77 are patentable over the cited references.

Likewise, new claim 78 recites in substance the same elements of claim 63, 67 or 71, accordingly for at least the discussed reasons, claim 78 is patentable over the cited references.

CONCLUSION

In light of the above amendments and remarks, Applicants submit claims 63-78 are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

Respectfully submitted,
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